

ORDINANCE NO. 1855

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE 1440, THE SUBDIVISION ORDINANCE, BY ADOPTING CERTAIN TEXT AMENDMENTS RELATED TO METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 6 COMPLIANCE.

Milwaukie Community Development Application ZA-98-02-B

WHEREAS, the Metro Growth Management Functional Plan requires that cities and counties in the Metropolitan Service District demonstrate timely compliance with its provisions; and

WHEREAS, on August 19, 1998, after an extensive public involvement process, the Milwaukie City Council adopted the Milwaukie Functional Plan Compliance Report that enumerates recommended changes to the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance; and

WHEREAS, the Functional Plan Compliance Steering Committee, consisting of three Planning Commission members and three Neighborhood District Association Land Use Committee Chairpersons, was formed to assist the development of proposed code changes to implement the recommendations of the Functional Plan Compliance Report; and

WHEREAS, all required referrals and notices of public hearings on the proposed amendments have been made; and

WHEREAS, the proposed amendments were subject to an extensive public involvement process, including: a notice of public hearings to be held on January 26, 1999 and February 16, 1999 that was mailed to all property owners in the City, and a public open house held on January 13, 1999; and

WHEREAS, the Milwaukie Planning Commission held public hearings on January 26, 1999 and February 9, 1999; and

WHEREAS, on February 9, 1999 the Planning Commission adopted a motion recommending the City Council approve the proposed amendments to Milwaukie Subdivision Ordinance; and

WHEREAS, the Milwaukie City Council held work sessions on February 1, 1999 and March 15, 1999; and

WHEREAS, the Milwaukie City Council held public hearings on February 16, 1999 and April 6, 1999.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings of fact support the amendments to the Milwaukie Subdivision Ordinance. Amendment of the Subdivision Ordinance is governed by procedures found in the Zoning Ordinance. References to the Zoning Ordinance found herein are intentional.

1. The subdivision text amendments have been made in conformance with the provisions of Zoning Ordinance Section 1011.5-Legislative Actions.
2. Applications for zoning ordinance text amendments are subject to Milwaukie Zoning Ordinance Section 904-Requirements for Zoning Text Amendments as follows.
 - A. **Applicable administrative requirements of Zoning Ordinance Section 1003.**

The administrative requirements concerning submission of applications for subdivision text amendments have been met.
 - B. **Reasons for requesting the proposed text amendments.**

Text amendments have been proposed in order to implement code revisions necessary for compliance with the Metro Growth Management Functional Plan.
 - C. **Explanation of how the amendments are consistent with other provisions of the Subdivision Ordinance.**

The amendments are consistent with current provisions of the Subdivision Ordinance. No known inconsistencies exist between the proposed amendments and existing regulations.
3. Applications for zoning ordinance text amendments are subject to Milwaukie Zoning Ordinance Section 905-Approval Criteria for All Amendments as follows:
 - A. **Conformance with applicable Comprehensive Plan goals, policies, and objectives.**

The amendments are consistent with the Comprehensive Plan and preserve the intent, goals, and policies of the Comprehensive Plan. There are no departures from stated goals and policies.
 - B. **Consistency of proposed development with the intent of the underlying zone.**

The amendments do not result in any development or change of zoning. This criterion does not apply.

- C. **The amendments meet or can reasonably meet applicable regional, state or federal regulations.**

The purpose of the amendments is to meet Metro regional policy. There are no applicable federal policies. The amendments are consistent with Oregon Statewide Planning Goals.

- D. **The proposed amendments demonstrate existing or planned public facilities and are sufficient to accommodate anticipated development.**

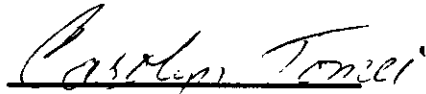
The amendments do not change existing development potential. This criterion does not apply.

Section 2. The Milwaukie Subdivision Ordinance is amended as described in Exhibit 1.


Read the first time on April 6, 1999 and moved to a second reading by 5 - 0 vote of the City Council.

Read the second time and adopted by the City Council on April 6, 1999

Signed by the Mayor on April 6, 1999


Carolyn Tomei, Mayor

ATTEST


Pat Duval, City Recorder

APPROVED AS TO FORM
RAMIS CREW CORRIGAN &
BACCRACH, LLP

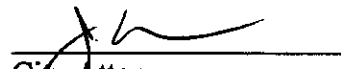

City Attorney

EXHIBIT 1

Amendments to the Subdivision Ordinance (Ord. 1440)

Community Development Application ZA-98-02-B

Strikeout text = text to be deleted.

Underline text = text to be added.

TITLE 6 AMENDMENTS

New section:

17.28.070. Pedestrian and bicycle connections.

Bicycle and pedestrian routes shall be provided to permit, where feasible, direct connection from the subdivision to the following:

- A. nearby development such as adjoining subdivisions or other residential uses;
- B. public right-of-ways and other bicycle and pedestrian paths;
- C. existing and planned commercial services, schools, and parks; and/or
- D. other neighborhoods.

Connecting routes may be provided by way of public right-of-way dedications or easements. Such routes shall be provided wherever possible to reduce walking distance between pedestrian destinations. Reservation of future on-site easements or right-of-ways for future development of improved routes may be required when the timing of development does not warrant present construction of improved paths. Provision of improved pedestrian or bicycle routes shall not eliminate any requirement to provide sidewalks along a proposed or existing roadway. All pedestrian routes shall be constructed in accordance with standards specified by the Public Works Department.

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